

# **The Corporation of the Town of Perth By-law No. 5016**

A By-law to regulate Election Campaign Advertising and Third Party Advertising

## **Recitals:**

1. Section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (“the Municipal Act”) authorizes the Town to pass by-laws respecting:
  - (i) Highways over which it has jurisdiction; and
  - (ii) Signs.
2. Section 63(1) of the Municipal Act authorizes that if the Town passes a by-law to prohibit or regulate the placing of an object on or near a Highway, it may provide for the removal and impounding of such object placed on or near a Highway in contravention of that by-law.
3. The Committee of the Whole of the Town of Perth has reviewed Report 2022-COW-3.15, and concurs with the recommendation to pass this by-law to regulate Election Campaign Advertising and Third Party Advertising.

## **1. Authorization:**

Now Therefore, the Council of The Corporation of the Town of Perth enacts as follows:

### **1.1 Short Title**

- 1.1.1 This By-law may be referred to as the “Campaign and Third Party Advertising By-law”.

### **1.2 Scope**

- 1.2.1 If any provision of this By-law conflicts with any provision of any other Town of Perth By-law relating to Campaign Advertising or Third Party Advertising, the provision of this By-law shall take precedence.

### **1.3 Purpose**

- 1.3.1 The purpose of this by-law is to provide Candidates, Registered Third Parties, Town staff and the public with regulations relating to Campaign Advertising and Third Party Advertising.

### **1.4 Definitions**

In this By-law:

- 1.4.1 “Campaign Advertising” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or

supporting the election of a Candidate. Examples include: election signs, brochures, posters, print, vehicle decals, radio and electronic ads, etc.)

- 1.4.2 “Campaign Office” means a building or part of a building used by a Candidate or an Agent of a Candidate for election campaign purposes;
- 1.4.3 “Canada Elections Act” means the Canada Elections Act, S.C. 2000, c.9, as amended and any successor legislation;
- 1.4.4 “Candidate” means a person who has been officially nominated under the Canada Elections Act, the Election Act, or the Municipal Elections Act, 1996 to run in any election within the geographic boundary of the Town;
- 1.4.5 “Election Act” means the Election Act, R.S.O. 1990, c.E.6, as amended and any successor legislation;
- 1.4.6 “Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the boulevard and any other area between the lateral property lines thereof, and which is under the jurisdiction of the Town;
- 1.4.7 “Municipal Act” means the Ontario Municipal Act, 2001, S.O. 2001, c. 25, as amended and any successor legislation;
- 1.4.8 “Municipal Elections Act, 1996” means the Ontario Municipal Elections Act, 1996, S.O. 1996, c.32, as amended and any successor legislation;
- 1.4.9 “Municipal By-law Enforcement Officer” means a person appointed by Town Council as a Municipal Law Enforcement Officer or as a Municipal By-law Enforcement Officer and also includes an officer of the Ontario Provincial Police (OPP);
- 1.4.10 “Owner” means the person who places or permits the placing of any Campaign Advertising or any person described on the campaign advertisement, whose name, address or telephone number is on the campaign advertisement or who benefits from the message on it and for the purposes of this By-law there may be more than one owner of campaign advertising;
- 1.4.11 “Private Property” means real property that is not a Highway or Public Property;
- 1.4.12 “Public Property” means all real property or structures owned or under the control of the Town, including but not limited to: a Highway, public utilities infrastructure, vacant land, parks, buildings, and shall include the

Town's website and social media platforms;

- 1.4.13 "Registered Third Party (Third Party Advertiser)" - means an individual who is normally a resident in Ontario and is not a registered candidate, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and for a Municipal Election, who's Notice of Registration for Third Party Advertiser has been certified by the Town Clerk, and who/that incurs expenses regarding:
- (i) A question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act, Municipal Elections Act, 1996 or any other legislation.
  - (ii) An issue associated with a person or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act, 1996; or
  - (iii) A Candidate or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act, 1996;
- 1.4.14 "Third Party Advertising" means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a "yes" or "no" answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the Registered Third Party.
- 1.4.15 "Town" means The Corporation of the Town of Perth;
- 1.4.16 "Town Clerk" means the Director of Legislative Services/Clerk or a designate;
- 1.4.17 "Voting Place" means a place, either on public or private property, where electors cast their ballots in an election, and includes all of the area enclosed by the lot lines of the property and any Highway immediately abutting;
- 1.4.18 "Zone" means an area designated for a particular land use or uses as established by the Town's Zoning By-law, as amended from time to time or any successor by-law.

## **1.5 General Regulations**

- 1.5.1 No person shall place Campaign Advertising or Third Party Advertising within the geographic limits of the Town except in accordance with this by-law.

1.5.2 No fee shall be charged by the Town and no permit shall be required in order to place Campaign Advertising or Third Party Advertising in accordance with this by-law

## **1.6 Mandatory Physical Characteristics**

1.6.1 Campaign Advertising and Third Party Advertising shall be:

- (i) kept in a good state of repair; and
- (ii) installed in order that weather conditions will not displace them.

## **1.7 Contents**

1.7.1 Campaign Advertising purchased by or under the direction of a Candidate shall identify the Candidate by name, as it appears on the Nomination Form.

1.7.2 In addition to the information listed in Clause 1.7.1 above, all Candidates shall provide the following information to a broadcaster or publisher in writing:

- (i) The name, business address and telephone number of any individual who deals with the broadcaster or publisher under the direction of the Candidate.

1.7.3 No Campaign Advertising or Third Party Advertising shall display the Town's branding, which includes the Town's logo, in whole or in part.

1.7.4 All Third Party Advertising shall contain:

- (i) the name of the Registered Third Party,
- (ii) the municipality where the Third Party is registered; and
- (iii) a telephone number, mailing address or email address at which the Registered Third Party may be contacted.

1.7.5 In addition to the information listed Clause 1.7.4 above, all Registered Third Parties shall also provide the following information to a broadcaster or publisher in writing:

- (i) the name, business address and telephone number of any individual who deals with the broadcaster or publisher under the direction of the Registered Third Party.

1.7.6 Information contained in/on all:

- (i) Campaign Advertising is the responsibility of the Candidate, and any questions or concerns should be directed to the Candidate; and
- (ii) Third Party Advertising is the responsibility of the Registered Third Party, and any questions or concerns should be directed to the

Registered Third Party.

### **1.8 Timing of Placement**

- 1.8.1 No person shall place Campaign Advertising:
- (i) for a federal or provincial election or by-election, earlier than the day the writ of election or by-election is issued; or
  - (ii) for a municipal election, earlier than the day that the Candidate has filed their nomination with the Town Clerk.
- 1.8.2 In addition to the requirement of Clause 1.8.1(ii) above, Election Signs (with the exception of those placed at a Candidate's Campaign Offices) shall be placed no earlier than:
- (i) 6 weeks prior to the municipal election Voting Day (For the 2022 Municipal Election, this shall be September 12, 2022), or
  - (ii) Nomination Day for a by-election.
- 1.8.3 Third Party Advertising shall be permitted by a Registered Third Party from the day of registration to the close of voting on Voting Day.

### **1.9 Locations**

- 1.9.1 Campaign Advertising and Third Party Advertising shall:
- (i) be permitted in any Zone;
  - (ii) not be located where it will interfere with the safe movement or visibility of any vehicle or pedestrian traffic or where it is a general hazard to public safety; or
  - (iii) not be affixed to a tree, pipe, telephone pole, hydro pole, light standard or any other utility infrastructure.

### **1.10 Highways**

- 1.10.1 Campaign Advertising or Third Party Advertising shall:
- (i) not be placed on a Highway under the jurisdiction of the Town; and
  - (ii) adhere to regulations of the County of Lanark or the Province of Ontario/Ministry of Transportation, if placed along County or Provincial highways respectively.

### **1.11 Public Property**

- 1.11.1 Campaign Advertising or Third Party Advertising shall not be placed on or in any Public Property.

## **1.12 Private Property**

- 1.12.1 Campaign Advertising or Third Party Advertising may be placed on Private Property, if:
- (i) the owner or tenant of the property has provided consent; and
  - (ii) all other applicable provisions of this by-law are met.

## **1.13 Near Voting Places**

- 1.13.1 On any day when electors are casting their ballots in an election, no person shall place any Campaign Advertising or Third Party Advertising within 100 metres of a Voting Place.

## **1.14 Removal**

- 1.14.1 Every Owner shall remove all of the Owner's Campaign Advertising within seven (7) days immediately following the Voting Day.
- 1.14.2 All Registered Third Parties shall remove all Third Party Advertising by the close of voting on Voting Day.
- 1.14.3 A Municipal Law Enforcement Officer may, without notice:
- (i) remove or cause to be removed immediately, any Campaign Advertising or Third Party Advertising that does not comply with this By-law; or
  - (ii) destroy or otherwise dispose of Campaign Advertising or Third Party Advertising removed in accordance with this By-law, after ten (10) days.

## **1.15 Administration**

- 1.15.1 The Town Clerk is responsible for the administration of this By-law.

## **1.16 Enforcement**

- 1.16.1 This By-law may be enforced by any Municipal By-law Enforcement Officer or any other person designated by the Town Clerk.
- 1.16.2 Complaints regarding non-compliance of the provisions of this by-law should be directed to the Town's By-law Enforcement Office.

## **1.17 Severance**

- 1.17.1 If any clause or part of a clause of this By-law is found by any Court to be illegal or beyond the power of Council to enact, such clause or part of a clause shall be deemed to be severable and all other

clauses or parts of clauses of this By-law shall continue in full force and effect.

**1.18 Offence and Penalty**


1.18.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

**1.19 Force and Effect**

1.19.1 This by-law shall take effect on the date of final passing.

Read a first, second and third time and finally passed this 29<sup>th</sup> day of March, 2022.

  
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John Fenik, Mayor

  
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Susan Beckel, Clerk

SEAL